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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,516	04/09/2001	Richard L. Schwartz	073612.0107	6718
31625	7590	03/04/2008		EXAMINER
BAKER BOTTS L.L.P.				NGO, NGUYEN HOANG
PATENT DEPARTMENT				
98 SAN JACINTO BLVD., SUITE 1500			ART UNIT	PAPER NUMBER
AUSTIN, TX 78701-4039			2616	
			MAIL DATE	DELIVERY MODE
			03/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.	09/829,516	Applicant(s) SCHWARTZ ET AL.
Examiner	Art Unit NGUYEN NGO	2616

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13.  Other: \_\_\_\_\_



**MELVIN MARCELO  
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: 1. Applicant's arguments filed 2/14/2008 have been fully considered but they are not persuasive.

Applicant submits that the combination of Parson and Moon fails to disclose the limitation of "generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled (voice-based) commitment with a mediated party". However as discussed with the previous office action, Parsons discloses that the user may specify that the incoming callers may choose to be routed to the user's cell phone or send a text message to the user's pager (page 3 [0029]) and further discloses that the calls to the user may be transferred to a particular phone such as an administrative assistant's phone (page 4 [0038]). It is well known that administrative assistants are used in order to schedule a later time to call back (pending mediated commitment). In a similar field of endeavor, Moon discloses an apparatus and method for automatically handling initiation of a call and further discloses a method for automatically handling initiation of a call and further discloses of a control button which is provided for transferring to a screen display in a calendar application, where the phone call may be scheduled (generating a pending mediated commitment) for initiation at a later time or date in accordance with the time range/days in which the designated recipient is available (generating a pending mediated commitment (scheduling a callback) based on availability status, col5 line50-col6 line25 and 86 of figure 5). It would have thus been obvious to a person skilled in the art to incorporate the concept of automatically handling of calls with reference to availability, more specifically scheduling a time to call back as disclosed by Moon into the method and system for providing unified communication management based on presence information as disclosed by Parson in order to efficiently and correctly establish communication between two recipients. Applicant further submits that Moon does not disclose a specific scheduled commitment with such party, and further states that the pending mediated commitment inherently relates to a future event to occur at a scheduled time. However applicant is directed to col6 lines 1-17, which states a schedule call tab which is used to schedule a call for a later time and date in which the recipient is available, thus Examiner relates this to a future event (a scheduled call at a later time) that occurs at a scheduled time (time and date specified in which the scheduled call is to begin).

Applicant further submits that there is no motivation to combine, however as seen from the office action, Examiner clearly provides motivation as the Examiner states it would have thus been obvious to a person skilled in the art to incorporate the concept of automatically handling of calls with reference to availability, more specifically scheduling a time to call back as disclosed by Moon into the method and system for providing unified communication management based on presence information as disclosed by Parson in order to efficiently and correctly establish communication between two recipients. Parson is further seen to provide such a motive as Parson discloses the use of an administrative assistants in order to schedule a later time to call back (page 4 [0038]).

Applicant further submits the Office Action was improperly deemed final by the Examiner and that the amendments were made to overcome a rejection under 35 U.S.C 101. However is seen from the claims dated 11/02/2007, claims 1, 15, 24, 38, and 47 clearly shows the amendment of "determining that the pending mediated commitment associated with is affected by the altered context component; and". Thus clearly being an amendment of the claims with no correlation to the 101 rejection. It is further seen that only claims 24 and 38 where rejected under 35 U.S.C 101 with respect to the computer program product. Thus Examiner deems the final rejection proper.

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